

AMENDED IN SENATE APRIL 9, 2007

SENATE BILL

No. 516

Introduced by Senator Aanestad

February 22, 2007

An act to amend Section 13385 of the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

SB 516, as amended, Aanestad. ~~Water quality: penalties. Shasta County Watermaster District.~~

(1) Existing law provides for the establishment of watermaster service areas by the Department of Water Resources for the purposes of ensuring the most practical and economic supervision of the distribution of water. Existing law specifies that upon the submission of a specified petition to a court in which a relevant judicial decree has been entered, the court may appoint a public agency as a watermaster to replace the watermaster appointed by the department.

This bill would create a watermaster district to be known as the Shasta County Watermaster District. The bill would generally specify the powers and purposes of the district and prescribe the composition of the board of directors of the district. The bill would require the district to provide watermaster service on behalf of specified parcels that are a place of use for water rights under an appointed decree, as defined. The bill would authorize the district to enter into agreements to provide watermaster service to owners of certain other eligible parcels that are a place of use for water rights under a specified decree for which the department is not the watermaster. By imposing election duties on Shasta County in connection with the operation of the district, the bill would impose a state-mandated local program.

(2) *The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

~~Under existing law, the Porter-Cologne Water Quality Control Act, the State Water Resources Control Board and the California regional water quality control boards are the principal state agencies with authority over matters relating to water quality. The act imposes civil penalties for violations of the act relating to waste discharge requirements.~~

~~This bill would require the regional boards to assess these penalties upon water districts within one year of the date the violation was reported.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

1 *SECTION 1. This act shall be known and may be cited as the*
2 *Shasta County Watermaster District Act. It is intended to*
3 *supplement the Water Code and reads as follows:*

4
5 *SHASTA COUNTY WATERMASTER DISTRICT ACT*

6
7 *Article 1. Creation*

8
9 101. *This act shall be known and may be cited as the Shasta*
10 *County Watermaster District Act.*

11 102. (a) *A watermaster district is hereby created in Shasta*
12 *County to be known as the Shasta County Watermaster District.*

13 (b) *The district shall be governed by a board of directors as*
14 *specified in Section 401, shall have boundaries as prescribed in*
15 *Section 201, and shall exercise the powers granted by this act for*
16 *purposes of acting as watermaster over those decreed water rights*
17 *whose places of use are within Shasta County and for which the*
18 *Superior Court for the County of Shasta has appointed the district*

1 *as the watermaster, together with other powers and duties that*
2 *are reasonably implied and necessary and proper to carry out the*
3 *purposes of the district, including, but not limited to, any power*
4 *authorized by the court which appoints the district as watermaster.*

5 *(c) The Legislature hereby finds and declares that the cost*
6 *effective and responsible enforcement of existing decreed water*
7 *rights within Shasta County is in the public interest, and that the*
8 *creation of a watermaster district that can serve in that capacity*
9 *after proper appointment by the Superior Court for Shasta County*
10 *is for the common benefit of the owners of those decreed water*
11 *rights within Shasta County and for the protection of agricultural*
12 *and economic productivity.*

13
14 *Article 2. Boundaries*

15
16 *201. For the purposes of this act, all of the following territory*
17 *is included in the Shasta County Watermaster District:*

18 _____
19 *202. The district is divided into the following service areas:*

- 20 *(a) Burney Creek Service Area.*
21 *(b) Hat Creek Service Area.*
22 *(c) North Fork Cottonwood Creek Service.*
23 *(d) North Cow Creek Service Area.*
24 *(e) Digger Creek Service Area.*

25
26 *Article 3. Definitions*

27
28 *301. Unless otherwise indicated by their context, the definitions*
29 *set forth in this article govern the construction of this act.*

30 *302. "Appointed decree" means a decree for which the district*
31 *is appointed the watermaster by the court.*

32 *303. "Appointed parcel" means a parcel of real property within*
33 *the district that is a place of use for water rights under an*
34 *appointed decree.*

35 *304. "Board of directors" or "board" means the board of*
36 *directors of the district.*

37 *305. "Contracted parcel" means an eligible parcel whose*
38 *owner has entered into a contract with the district to provide*
39 *watermaster service for that parcel.*

40 *306. "County" means Shasta County.*

1 307. “Court” means the Superior Court for the County of
2 Shasta.

3 308. “Decree” or “decrees” means any water right decree,
4 entered by the court, which adjudicates water rights within the
5 county in which the decreed points of diversion are within the
6 county.

7 309. “Department” means the Department of Water Resources.

8 310. “District” means the Shasta County Watermaster District.

9 311. “Eligible parcel” means a parcel of real property within
10 the district that is a place of use for water rights under a decree
11 that is not an appointed decree, and for which the department is
12 not the watermaster.

13 312. “Fund” means the fund designated by the court, or by
14 the district in the absence of a designation by the court, into which
15 assessments levied by the district shall be paid by the county upon
16 collection.

17 313. “Owner” means a person who is an owner of a real
18 property within the district that is a place of use for water rights
19 under a decree parcel.

20 314. “Person” means any state or local governmental agency,
21 private corporation, firm, partnership, individual, group of
22 individuals, or, to the extent authorized by law, any native tribe
23 or federal agency.

24 315. “Voter” means an owner of an appointed or contracted
25 parcel.

26 27 Article 4. General Provisions

28
29 401. (a) The board of directors shall govern the district and
30 shall exercise the powers of the district as set forth in this act.

31 (b) The board of directors of the district shall consist of seven
32 members, as follows:

33 (1) Two members shall be voters owning appointed or
34 contracted parcels within the Burney Creek Service Area. These
35 members shall be elected at large from the Burney Creek Service
36 Area.

37 (2) Two members shall be voters owning appointed or
38 contracted parcels within the Hat Creek Service Area. These
39 members shall be elected at large from the Hat Creek Service
40 Area.

1 (3) *One member shall be a voter owning an appointed or*
2 *contracted parcel within the North Fork Cottonwood Creek Service*
3 *Area. This member shall be elected at large from the North Fork*
4 *Cottonwood Creek Service Area.*

5 (4) *One member shall be a voter owning an appointed or*
6 *contracted parcel within the North Cow Creek Service Area. This*
7 *member shall be elected at large from the North Cow Creek Service*
8 *Area.*

9 (5) *One member shall be a voter owning an appointed or*
10 *contracted parcel within the Digger Creek Service Area. This*
11 *member shall be elected at large from the Digger Creek Service*
12 *Area.*

13 (c) *A quorum of the board of directors shall be four members.*
14 *A majority of affirmative votes of the full membership of the board*
15 *shall be required to take an action.*

16 (d) (1) *Three members of the first board shall serve terms of*
17 *two years. The three members who serve two-year terms shall be*
18 *determined by lot at the first meeting of the board.*

19 (2) *Except as provided in paragraph (1), each board member*
20 *shall serve a four-year term.*

21 (3) *Members of the board of directors may be reelected.*

22 (e) *Except as otherwise provided in this act, the Uniform District*
23 *Election Law (Part 4 (commencing with Section 10500) of Division*
24 *10 of the Elections Code) shall apply to elections within the district.*

25 (f) *Any vacancy on the board shall be filled by appointment by*
26 *a majority of remaining directors as provided in Section 1780 of*
27 *the Government Code. An appointment to fill a vacancy on the*
28 *board shall be for the unexpired portion of the term of the office*
29 *in which the vacancy occurs.*

30 402. (a) *For parcels with multiple owners, the owners shall*
31 *designate in writing to the district, in accordance with a timetable*
32 *established by the district, a voter from among their number for*
33 *voting purposes.*

34 (b) *If applicable, the owners shall designate in writing, in*
35 *accordance with a timetable established by the district, a legal*
36 *representative who shall be entitled to execute a proxy vote on*
37 *their behalf.*

38 403. *A voter may vote at any district election either in person*
39 *or by a person duly appointed as his or her proxy. A proxy vote*

1 *may be executed by a legal representative or by a single owner*
2 *designated pursuant to Section 402.*

3 *404. Prior to taking office, each elected director shall take the*
4 *official oath and execute any bond that may be set by the board.*

5 *405. At the first meeting of the board, and at the first annual*
6 *meeting each year thereafter, the board shall elect a chairperson*
7 *and vice chairperson from among its members.*

8 *406. Meetings of the board shall be held pursuant to the Ralph*
9 *M. Brown Act (Chapter 9 (commencing with Section 54950) of*
10 *Part 1 of Division 2 of Title 5 of the Government Code).*

11 *407. The provisions of this act are severable. If any provision*
12 *of this act or its application is held invalid, that invalidity shall*
13 *not affect other provisions or applications that can be given effect*
14 *without the invalid provision or application.*

15
16 *Article 5. Powers and Duties*
17

18 *501. The district shall serve as the watermaster for any*
19 *appointed decree, including, but not limited to, taking specific*
20 *actions ordered by the court in the administration of that decree*
21 *or decrees.*

22 *502. In carrying out its duties as watermaster, the district shall*
23 *have the powers and duties that are set forth as powers and duties*
24 *of the department in Part 4 (commencing with Section 4000) of*
25 *Division 2 of the Water Code, except as modified by the court, and*
26 *as follows:*

27 *(a) References to the department in that part shall be deemed*
28 *to be references to the district.*

29 *(b) References to the Water Resources Revolving Fund in that*
30 *part shall be deemed to be references to the fund.*

31 *503. The district may enter into agreements to provide*
32 *watermaster service to owners of eligible parcels where all owners*
33 *of an eligible parcel have executed the agreement. An agreement*
34 *to provide watermaster services to an eligible parcel shall include*
35 *a provision that the owners agree to pay in full for the service*
36 *prior to the provision of service. The amount to be paid shall be*
37 *determined to ensure that the provision of the watermaster service*
38 *to contracted parcels does not increase the cost of the watermaster*
39 *service to appointed parcels.*

1 504. *The district may enter into contracts or employ staff to*
2 *provide watermaster service to appointed and contracted parcels.*

3 SEC. 2. *The Legislature finds and declares that this act, which*
4 *is applicable only to the Shasta County Watermaster District, is*
5 *necessary because of the unique and special water problems in*
6 *the area included in the district. It is, therefore, hereby declared*
7 *that a general law within the meaning of Section 16 of Article IV*
8 *of the California Constitution cannot be made applicable to the*
9 *district and the enactment of this special law is necessary for the*
10 *conservation, development, control, and use of that water for the*
11 *public good.*

12 SEC. 3. *If the Commission on State Mandates determines that*
13 *this act contains costs mandated by the state, reimbursement to*
14 *local agencies and school districts for those costs shall be made*
15 *pursuant to Part 7 (commencing with Section 17500) of Division*
16 *4 of Title 2 of the Government Code.*

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18
19 **All matter omitted in this version of the bill**
20 **appears in the bill as introduced in the**
21 **Senate, February 22, 2007 (JR11)**
22